

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

LEE FAULKNER,)	Case No. CV 08-07706 DDP (JWJx)
)	
Plaintiff,)	ORDER TO SHOW CAUSE WHY THIS
)	ACTION SHOULD NOT BE DISMISSED
v.)	FOR LACK OF SUBJECT MATTER
)	JURISDICTION
STEPHANIE DOMINGUEZ, an)	
individual, MICHELLE SPACH,)	
an individual, PAUL LOBER,)	
an individual, KEVIN)	
SHERMAN, an individual,)	
SOUTHWEST AIRLINES, a Texas)	
corporation, TRANSPORT)	
WORKERS UNION OF AMERICA,)	
TRANSPORT WORKERS UNION)	
LOCAL 555, and Does 1)	
through 10, inclusive,)	
)	
Defendants.)	
_____)	

The Court orders the parties to show cause why this action should not be dismissed for lack of subject matter jurisdiction. Plaintiff filed this action in federal court against Defendants for wrongful termination, breach of contract, breach of the implied covenant of good faith and fair dealing, and intentional infliction of emotional distress conspiracy. Plaintiff alleges that he was harassed by fellow co-workers at Southwest Airlines, improperly

1 sent a warning letter, and singled out for termination after a
2 hearing about falsifying a doctor's note.

3 A federal court shall have original jurisdiction of all civil
4 actions arising under the Constitution, laws, or treaties of the
5 United States. 28 U.S.C. § 1331. Here, Plaintiff alleges that
6 this Court has federal question jurisdiction over the matter
7 pursuant to 45 U.S.C. Subchapter II. However, it is not clear to
8 the Court that there are claims "arising under" the Federal
9 Constitution which appear on the face of Plaintiff's Complaint that
10 satisfy the jurisdictional requirements of § 1331.

11 Accordingly, the Court orders the parties to file cross-
12 briefs, not to exceed five pages, by Monday, February 23, 2009, to
13 show cause why this action should not be dismissed for failure to
14 satisfy federal question jurisdiction. The parties should also
15 deliver courtesy copies to chambers, Room 244-J, Second Floor, 312
16 N. Spring Street, Los Angeles. The Court notes that the Plaintiff
17 has the burden of establishing subject matter jurisdiction. If a
18 party does not file a brief, the court will regard that party as
19 not opposing dismissal of this action. A hearing is scheduled on
20 this matter for Monday, March 9, 2009 at 10:00 a.m.

21
22 IT IS SO ORDERED.

23
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25 Dated: February 6, 2009



26 DEAN D. PREGERSON
27 United States District Judge
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